

HABITAT CONSERVATION PLAN

1.0 COMPLETE DESCRIPTION OF THE ACTIVITY SOUGHT TO BE AUTHORIZED (50 CFR 17.22(b)(1)(I))

1.01 The applicant _____(name) proposes to construct a single-family/duplex dwelling on a _____ square foot lot. The lot is located **(Provide legal description, parcel ID number, street address of lot, any other pertinent information. Include map showing location of lot.)...**

The lot, in part or in its entirety, lies within an area which is considered habitat for the Alabama beach mouse (ABM) (*Peromyscus polionotus ammobates*), and the wet beach and primary dune system provides nesting habitat for sea turtles, including Loggerhead sea turtle (*Caretta caretta*), Green sea turtle (*Chelonia mydas*), and Kemp's Ridley sea turtle (*Lepidochelys kempii*). Construction of the residence and eventual occupancy may result in the incidental take of ABM and /or sea turtle nests, and thus potentially expose the applicant to a potential violation of Section 9 of the Endangered Species Act. Authorization, therefore, is sought for any incidental taking of ABM and/or sea turtles that may result from the construction and occupancy of the proposed residence.

1.02 The lot is bordered on the west by _____, on the east by _____, on the north by _____, and on the south by _____ (i.e., undeveloped lot, single family dwelling, condominium, etc.). **(Describe all structures proposed to be built on the lot, including driveway, parking pad, storage buildings, amenity features, etc., including dimensions. Include map showing locations of these features.)**

1.03 Vegetation on the lot consists of **(Describe vegetation, including species, abundance, location, etc.)...**

1.04 The lot contains elements of suitable ABM and sea turtle habitat, including wet beach, open sandy areas in the process of dune formation, interdunal areas, and associated natural vegetation. The habitat, from the frontal dune line northward, may be occupied by the ABM and

the frontal duneline southward may be used for sea turtle nesting. Describe the location of the proposed residence within the lot (i.e. distance from property lines, Coastal Construction Control Line (CCCL), other natural features). **(Insert appropriate description of residence location on the lot, number of square feet impacted, number of square feet remaining undisturbed and percentage of the lot that will remain in suitable habitat, dune locations, existing vegetation location, etc.)**

2.0 COMMON AND SCIENTIFIC NAMES OF THE SPECIES SOUGHT TO BE COVERED BY THE PERMIT, AS WELL AS THE NUMBER, AGE, AND SEX OF SUCH SPECIES, IF KNOWN (50 CFR 17.22(B)(1)(II))

2.01 Incidental take of the Alabama beach mouse (*Peromyscus polionotus ammobates*, Loggerhead sea turtle (*Caretta caretta*), Green sea turtle (*Chelonia mydas*), and Kemp's Ridley sea turtle (*Lepidochelys kempii*) is sought to be covered by the subject permit. Incidental take is difficult to detect for these species and is therefore based on the take of all ABM and sea turtles within a specified amount of habitat impacted.

2.02 The Service has determined that the habitat in this area is capable of supporting ABM, therefore occupancy by ABM is considered likely. Because ABM have home ranges larger than the lot, it is always possible that mice could occur on the construction site during construction and thus be exposed to a taking. Even though ABM are nocturnal and not likely to be out of their burrows during daylight construction periods, construction activities could result in harassment, harm, or death of an ABM in a burrow.

The site also provides suitable nesting habitat for sea turtles. Construction and occupancy of the residence could result in a take of a sea turtle in the form of disruption of nest-site selection, nest abandonment, and reduction of hatchling success because of disorientation or human disturbance.

3.0 HABITAT CONSERVATION PLAN (50 CFR 17.22 (b)(iii)(a)-(c)) THE IMPACT THAT WILL LIKELY RESULT FROM THE PROPOSED TAKING (50 CFR 7.22(b)(1)(iii)(a))

3.01 Construction is on the **(describe the location on the lot, i.e., landward, north, north-east, etc.)** _____ portion of the lot. The area to be permanently altered will consist of _____ square feet for the residence, plus a driveway which will be of the minimum size to allow access from the main road (include impacts within the road right-of-way), _____ feet long and _____ feet wide. Parking will be restricted to the parking pad underneath the dwelling. Other structures proposed on the lot include... _____ and will impact _____ square feet. The total amount of permanent impacts is

_____ square feet.

3.02 Temporary habitat impacts will be limited to a minimal temporary construction workspace around the residence and installation of utilities. Utilities to the residence will be _____ (under/above) ground. If underground, _____ square feet of habitat will be temporarily impacted and restored to pre-project conditions after utilities are installed. An estimate of the amount of temporary habitat impacts is _____ square feet.

3.03 The residence will be used as a _____ (permanent residence /weekend or vacation retreat/rental unit). **(If residence will be rented, additional measures will have to be taken to ensure that renters/tenants will comply with provisions of the HCP (i.e., signs inside or outside the house, provisions in lease agreement, verbal notification, etc.))**

4.0 STEPS TO BE TAKEN TO MONITOR, MINIMIZE, AND MITIGATE SUCH IMPACTS, THE FUNDING THAT WILL BE AVAILABLE TO IMPLEMENT SUCH STEPS, AND THE PROCEDURES TO BE USED TO DEAL WITH UNEXPECTED CIRCUMSTANCES (50 CFR 17.22(b)(2)(iii)(B))

4.01 MONITORING

The applicant will allow U.S. Fish and Wildlife Service, the Alabama Department of Conservation and Natural Resource personnel, the Sea Turtle Volunteer Program, or other persons designated by the Service to enter the property, for the purpose of monitoring ABM and sea turtle populations, sea turtle nest site marking and monitoring, permit compliance inspections, and trapping beach mice, or other activities associated with ABM and sea turtle recovery. **(Applicant may choose to submit an annual survey report conducted by a biologist holding a valid ABM collection permit.)** The Service will continually monitor compliance with the terms and conditions of the HCP and ITP during and post construction. Any violations of permit conditions will be reported to the permittee and Service law enforcement, with compliance actions and timelines indicated. Failure to bring the property into compliance within a timeframe could result in enforcement actions under Section 9 of the Endangered Species Act.

4.02 MINIMIZATION AND MITIGATION OF IMPACTS

Impacts to ABM and sea turtles will be minimized on the property by implementing the following Conservation Measures:

4.021 County waste disposal services will be used in this area. No user of the property may accumulate any refuse capable of attracting rodents. All refuse will be disposed of using a refuse container that is rodent proof and scavenger-proof.

4.022 The developed area will be confined to the footprint of the residence and the driveway. The area of the site to be used for staging building materials will be minimized. No lumber,

metals, nor bulk materials will be kept, stored, or accumulated on the property excepting only building materials during construction. Building materials will be stored in neat piles and positioned on the parking pad or driveway to the maximum extent possible. Construction debris will be placed in a bulk refuse container (dumpster) located on site for this purpose (**Dumpsters will not be placed in ABM habitat**). The applicant will provide each contractor, including each subcontractor, retained for land preparation and construction of the proposed residence, with specific written requirements reflecting the entirety of the above conditions controlling construction refuse disposal and removal and limitations on material storage. These prohibitions and reporting provisions are to avoid the introduction of predators/competitors.

4.023 No free-roaming cats will be allowed on the property. Residents or visitors are prohibited from supporting the presence of free-roaming (i.e., stray) cats by providing food, shelter or any other life support elements. The applicant agrees to report any observations of free-roaming cats to local animal control authorities and to the U.S. Fish and Wildlife Service's Daphne, Alabama field office. Pets of property owners and/or renters will be kept on a leash while outside.

4.024 All undeveloped areas of the lot will be maintained in a natural state. Landscaping of the lot is discouraged. If landscaping is proposed, only plants native to the coastal dune system of Alabama will be used. (**A list of allowable plants is available from the Service.**) The natural topography of the lot will not be altered for landscaping purposes, with the exception of the construction of new dunes. New dune formation may be enhanced by the installation of sand fencing. (The Service can provide guidelines for sand fence installation.) The use of hay bales will not be allowed because they can introduce exotic weed seeds and fire ants into the area.

4.025 No exterior lighting will be allowed for decorative purposes. The applicant will not install or use any directional outdoor floodlights or any other lights that illuminate any area outside of the residential footprint. Exterior lights will be low pressure sodium and cannot exceed 40 watts. All exterior lights must be shielded or hooded. Any lights on dune walkovers must be recessed and no floodlights are permitted at the end of dune walkovers or south of the CCCL. Tinted glass is required for all exterior windows and doors. These lighting requirements comply with an ordinance to be passed by the City of Gulf Shores.

4.026 For first tier lots, an elevated wooden boardwalk (_____feet long) will be constructed to lead from the residence to the beach, thus protecting the primary dune area from foot traffic damage. (**This applies to Gulf-fronting lots only**). The elevation of the dune walkover must be one foot higher than the highest dune on the property (**otherwise the dunes will migrate and cover the walkover**). The walkway will be constructed top-down to reduce the impacts of heavy equipment operation on ABM habitat. All construction on the beach will be conducted outside turtle nesting season (May 1 through October 31).

4.027 Driveways must be reduced to the minimum size and distance necessary, but not exceed 30-feet in width. Driveways may be gravel or shell; however, due to redistribution of these materials during and after storm events, the Service recommends driveways be constructed of

concrete. Driving and/or parking in natural areas of the lot (outside of the construction footprint) is not be permitted.

4.028 Recreation and beach equipment will not be placed or stored within undeveloped areas of the lot. Outdoor storage facilities will be restricted to the parking area underneath the residence. Recreation and beach equipment (beach chairs, umbrellas, etc.) will be removed from the beach during nighttime hours during the turtle nesting season (May 1 through October 31).

4.029 If at any time during land development activity or subsequent residential construction and/or occupancy any ABM or sea turtle is: (a) killed or found dead, the applicant will immediately place the specimen in a secure freezer storage and will, within 48 hours, contact the designated representative of the U.S. Fish and Wildlife Service, who will make arrangements for transfer of the specimen to appropriate custody or will direct disposition; (b) injured or found in an injured state, such that it is immobilized or otherwise traumatized sufficiently that it readily may be captured, the applicant will take custody of the injured mouse, using due caution to avoid further injury; will immediately notify the designated representative of the U.S. Fish and Wildlife Service concerning circumstances of the injury and apparent condition of the injured mouse and will follow such instructions as the U.S. Fish and Wildlife Service representative may provide concerning custody, care and disposition.

4.03 FUNDING OF THE HABITAT CONSERVATION PLAN

4.031 Costs associated with monitoring ABM and sea turtles on the site will be borne by the applicant **or** the applicant may elect to allow the Service access to the property for monitoring and trapping. In this case, the cost of trapping, monitoring, and surveying will be borne by the Service.

4.032 The essential features of the applicant's plan to minimize potential adversity to ABM and sea turtle nests (i.e., positioning of the residence, management of construction materials storage, and elevated wooden boardwalk) require little costs above that normally associated with construction and maintenance costs and supervision of same and thus require no separate financing or financial guarantees of performance.

4.033 The provision of refuse containers according to specifications herein (**4.021**) is an expense that will be the sole responsibility of the applicant. Supervision of contractors to assure their compliance with the same provisions is also the sole responsibility of the applicant.

4.034 The prohibition of free-roaming cats requires no funding commitment.

4.035 The provisions regarding annual reporting may result in minor expenses which will be borne by the applicant.

4.04 PROCEDURES TO BE USED TO DEAL WITH UNFORESEEN CIRCUMSTANCES

The applicant and the U.S. Fish and Wildlife Service acknowledge that even with the above detailed provisions for monitoring, minimizing and mitigating impacts to the ABM and sea turtles, circumstances could arise which were not fully anticipated by this plan which may result in unanticipated impacts to ABM or sea turtles. Should such an event come to the attention of either the applicant or to the U.S. Fish and Wildlife Service, the party identifying the unforeseen circumstances will promptly notify the other. Within 10 working days of such notification, representatives of the applicant and the U.S. Fish and Wildlife Service will discuss the unexpected circumstances, and will agree to appropriate corrective measures. Implementation of any agreed upon measures will begin, if feasible, within an additional 10 working days. Failure of the applicant to implement protective measures within 60 days of the discovery of unforeseen circumstances may constitute grounds for permit suspension or revocation. The U.S. Fish and Wildlife Service will provide to the applicant a written notice of the deadline for implementation of corrective measures.

In the case of unforeseen extraordinary circumstances which are causing (or which pose the threat of) immediate harm to ABM or sea turtles, and which require implementation of corrective measures to relieve such threat or to mitigate, minimize or avoid such harm, the parties will implement the provision of this part as expeditiously as is feasible and will not invoke any above-described time limitation as a basis for any delay which would reduce the scope or effectiveness of the protective or corrective measures necessary for addressing such extraordinary unforeseen circumstances.

4.05 REPORTING

During the incidental take permit period, the applicant will submit to the U.S. Fish and Wildlife Service a report immediately after construction has been completed and annually thereafter, for a reporting period to be specified in the permit. The report will describe all activities carried out on the site, amount of permanent and temporary habitat impacts, and implementation of the mitigation and minimization measures set forth in **4.02**. A report will also be prepared if any of the following situations occur:

- An incident of non-compliance with any requirement or condition of the incidental take permit, including any corrective measures taken and the result of such corrective measures.
- Observations of house mice (*Mus musculus*) on the lot or in the residence.
- Any change in garbage and refuse management.
- Any placement and storage of materials or equipment relating to construction of the project within ABM or sea turtle habitat.
- Dune integrity and crossover status and any maintenance required for dune crossover

structures.

- Landscaping with species not on the native AL dune plant species.
- Any changes to lighting on the property.
- Any corrective measures or other changes that may be necessary to improve the efficacy of the permit, including a description of incidents that have been resolved.

Contact for reports: U.S. Fish & Wildlife Service
1208-B Main Street
Daphne, AL 36526
Telephone: (251) 441-5181
Fax: (251) 441-6222

5.0 ALTERNATIVE ACTIONS TO SUCH TAKING THAT THE APPLICANT CONSIDERED AND REASONS WHY SUCH ALTERNATIVE ACTIONS ARE NOT PROPOSED TO BE UTILIZED (50 CFR 17.22(B)(III)(C))

Alternatives considered by the applicant include (1) the no-action alternative, i.e., leaving the entirety of the property in its current undeveloped state; (2) clearing most or all of the property of its existing native vegetative cover, building the proposed residence and driveway, and formally landscaping the property with lawn grasses and nursery-grown ornamental shrubs and trees; and (3) developing the property as described in this HCP with minimization of habitat impacts and implementation of Conservation Measures. **(Additional alternatives can be added at the applicant's discretion.)**

5.01 NO ACTION ALTERNATIVE

The applicant, like many other residents of the Gulf Coast, acquired this property with the intent to eventually develop it for residential/recreational purposes. The no action alternative would leave the applicant with essentially no beneficial use of his property and is accordingly unacceptable.

5.02 DEVELOPMENT WITH WHOLESALE CLEARING AND FORMAL LANDSCAPING

This alternative, though often practiced in this area, is not the preferred choice of the applicant. This alternative would result in development of the entire lot and would result in a complete loss of all ABM habitat at this site.

5.03 DEVELOPMENT AS PROPOSED IN THIS HCP

This is the preferred alternative. Impacts to ABM habitat would be minimized and conservation

measures would be implemented to benefit the species, while allowing the property owner to construct a home on their lot.

6.0 CERTIFICATION

I hereby certify that all information provided in this Habitat Conservation Plan is complete and accurate to the best of my knowledge.

Signature _____ Date_____